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*Attorney for Mike Linder and Yellowstone County*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

CHAD STONE,	)	
Plaintiff,	)	Cause No. CV 23-96-BLG-SPW-TJC
	)	
vs.	)	
	)	
MIKE LINDER,	)	<b>YELLOWSTONE COUNTY’S</b>
	)	<b>ANSWER TO COMPLAINT</b>
Defendant.	)	
_____	)	

**Introduction**

On August 23, 2023, Chad Stone, a former inmate at the Yellowstone County Detention Facility, filed a complaint with the United States District Court for the District of Montana against Michael Linder, the Yellowstone County Sheriff, that alleged while in the Facility, the Facility violated his rights under the Americans with Disabilities Act and right to medical care. ECF No. 1.

Stone made an official capacity claim against Linder. An official capacity claim against Linder is a claim against the County, the entity that employs Linder. An individual capacity claim is not allowed. 42 U.S.C. § 12132; *Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002); *Harper v. State*, 2025 WL 1029255, at \*7, footnote 6 (C.D. Cal. Apr. 7, 2025); *LUIS JUAREZ, CDCR #AI-3330, Plaintiff, v. JAMES HILL, Warden, et al., Defendants.*, No. 24-CV-2315-MMA (LR), 2025 WL 1134609, at \*5 (S.D. Cal. Apr. 16, 2025). A claim can only be made against the entity. *Id.* The real party is the County, not Linder.

On July 10, 2024, after the Court screened the complaint, the Court determined Stone had adequately pled a claim under the Act but had not adequately pled a claim that his right to medical care had been violated and granted Stone until July 31, 2024, to file an amended complaint that alleged a valid claim that his right to medical care had been violated. ECF No. 4. Stone did not file an amended complaint.

On March 24, 2025, the Magistrate recommended the Court dismiss the medical care claim and allow Stone to proceed on the Act claim. ECF No. 5. On April 11, 2025, the Court adopted the recommendation of the Magistrate and had a summons issued for Linder. ECF No. 6. On April 21, 2025, the Marshals served the summons on Linder. ECF No. 8.

The complaint is not a conventional complaint. It would be difficult for the County to provide a conventional answer to the complaint. The County files this unconventional answer that generally denies it violated the Americans with Disabilities Act with its treatment of Stone.

### **Allegations**

The County admits the Court has jurisdiction over the case. The Court is the proper venue for the case. The County employs Linder as the Yellowstone County Sheriff. As the Sheriff, Linder is responsible for the operation of the Yellowstone County Detention Facility. Stone was an inmate in the Facility. Prior to his placement in the Facility, Stone had a partial amputation of his right leg.

The County denies it violated the Americans with Disabilities Act with its treatment of Stone.

### **Defenses**

The County did not violate the Americans with Disabilities Act with its treatment of Stone.

Stone has failed to state a claim upon which relief can be granted against the County.

Stone only suffered emotional distress damages from the alleged violation of the Americans with Disabilities Act. Emotional distress damages are not

recoverable under the Act. *Jurgens v. Columbia Cnty.*, 2025 WL 563769, at \*13 (D. Or. Feb. 20, 2025).

The County will file an amended answer if other defenses become apparent as more facts are discovered.

### **Relief Requested**

The County requests the Court

- (1) find it did not violate any right of Stone under the Americans with Disabilities Act,
- (2) grant judgment in its favor,
- (3) award it costs and attorney fees for the case and
- (4) grant it any other relief the Court deems appropriate under the circumstances.

### **Request for Jury Trial**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the County requests a jury trial.

Dated this the 13th day of May 2025.

/s/ Melissa A. Williams  
Melissa A. Williams  
Deputy Yellowstone County Attorney

### Certificate of Service

I certify that on the date below I served a copy of the attached \_\_\_\_\_ on the following people by the following means:

1, CM/ECF  
\_\_\_\_\_ Hand Delivery  
2 Mail  
\_\_\_\_\_ Overnight Delivery Service  
\_\_\_\_\_ Fax  
\_\_\_\_\_ E-mail

1. Clerk, U.S. District Court
2. Chad Stone  
1106 West Park Suite 20-157  
Livingston, Montana 59047  
ogchadstone@gmail.com  
*Pro Se Plaintiff*

Dated this 13th day of May, 2025.

/s/ Melissa A. Williams  
Melissa A. Williams  
Deputy Yellowstone County Attorney